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From: Erin Simmons [mailto:esimmons@oceanconservancy.org]

Sent: Wednesday, March 09, 2005 6:12 PM

To: Melissa Miller-Henson

Cc: Steve Shimek (E-mail)

Subject: Suggestions regarding lack of quorum

Hi Melissa,

Please find attached our suggestions to the Task Force regarding the lack of a quorum at the February BRTF meeting. We recognize that this situation was equally frustrating for you, and want to help brainstorm possible policy changes that may help avoid a similar delay in the future.

Thanks,

Erin <<Suggestions re Lack of Quorum.doc>>

Erin Simmons

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March 9, 2005

MLPA Public Comments
c/o The California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Attn: Melissa Miller-Henson

RE: Lack of a quorum at February Blue Ribbon Task Force Meeting

Dear Ms. Miller-Henson:

We are writing today to urge the Blue Ribbon Task Force (BRTF) to immediately adopt policies to ensure a quorum at all future meetings and to take discrete actions in between full BRTF meetings. We support the transparency policy laid out in the *California Marine Life Protection Act Initiative Memorandum of Understanding* (Agreement IV). However, under extenuating circumstances where public comment has already been taken and reviewed by all Task Force members, we believe the Task Force can act and still meet "open meeting" requirements.

Lack of a quorum is a frustrating outcome in any public forum. The MLPA Initiative has been put under such a tight time frame that the lack of a quorum at any meeting of the BRTF substantially delays the entire process. It is with this in mind that we offer the following options:

- 1. Conference call/teleconference:** The best option seems to be a publicly-noticed conference call and/or teleconference with noticed public viewing locations. Other commissions follow this policy, including the Fish and Game Commission. Further, the Resources Agency has the capacity and dedicated conference lines to help facilitate this. We are not suggesting lengthy discussion in non-live meetings, but only making critical decisions after they have been thoroughly discussed. If a vote is needed on a specific issue, you could hold a vote open until such a time as all members have reviewed the materials and a conference call can be publicly-noticed.
- 2. Alternates and proxy votes:** Alternates can and should be appointed. These alternates would only sit-in when a principle member is unavoidably absent and absences could be constrained such that a certain number of absences would require a BRTF member to resign. A related option would allow absent BRTF members to designate an attending member as their proxy for votes, or to submit votes on selected topic in advance, provided that the member has already heard testimony and discussion on the issue.

We recognize that the lack of a quorum at the February meeting of the BRTF was unavoidable and equally frustrating for stakeholders, staff and Task Force members. Along with our suggestions for a change in policy here, we also hope that attendance commitments can be received from the majority of Task Force members for the April meetings.

We look forward to continuing to work with the Blue Ribbon Task Force as this process moves forward.

Sincerely,

Erin Simmons
The Ocean Conservancy

Steve Shimek
The Otter Project